

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

GERMAINE BENTON

PLAINTIFF

VERSUS

CIVIL ACTION NO. 1:08CV153-RHW

IAN ESTORFFE

DEFENDANT

FINAL JUDGMENT ON JURY VERDICT

This civil action, filed by Plaintiff Germaine Benton pursuant to 42 U.S.C. § 1983, proceeded to a trial by jury before United States Magistrate Judge Robert H. Walker on March 4, 2009. The parties appeared and a jury was duly selected, empaneled and sworn. After hearing the evidence, arguments of counsel and charge of the Court, the jury reached the following unanimous verdict:

"Do you the jury find by a preponderance of the evidence that Plaintiff Germaine Benton suffered an injury that resulted directly and only from the use of excessive force by Defendant Ian Estorffe, the excessiveness of which was objectively unreasonable in light of the facts and circumstances at the time of the incident of April 17, 2007.

 yes X no"

IT IS THEREFORE ORDERED AND ADJUDGED that pursuant to the jury's unanimous verdict, Plaintiff Germaine Benton shall take nothing and his complaint shall be dismissed with prejudice with all costs assessed to the Plaintiff.

SO ORDERED, this the 5th day of March, 2009.

s/ Robert H. Walker
UNITED STATES MAGISTRATE JUDGE